

SIDDHARTHA ET AL. - 10/821,201  
Attorney Docket: 071469-0309182

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REMARKS

Claim 9 has been amended. Claim 16 has been canceled, without prejudice or disclaimer. Accordingly, upon entry of this Amendment, claims 1-14 will remain pending. Since claims 1-8 have been withdrawn from further consideration, only claims 9-14 are currently being examined.

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

I REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 9-14 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses this rejection for at least the following reasons.

Applicant has amended claim 9 to more clearly recite the claimed invention. Applicant submits that claims 9-14 are now definite. Claim 16 has been canceled, and thus, its rejection is moot.

Accordingly, Applicant requests the withdrawal of the claim rejections under 35 U.S.C. § 112, second paragraph.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 9-11, 13-14 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 02/23609 to Mimura et al. ("Mimura")<sup>1</sup>. Applicant traverses this rejection for at least the following reasons.

Applicant submits that the cited portions of Mimura fail to disclose, teach, or suggest a plasma processing system for etching a silicon-comprising substrate, comprising *inter alia* a controller coupled to said processing chamber, said means for introducing a reactive process gas and said means for introducing a Noble gas, wherein said controller is configured to introduce said reactive process into said processing space; and introduce said Noble gas into said processing space such that, during etching, a flow rate of said HBr is replaced with a flow rate of said Noble gas by an amount up to and including 80%.

<sup>1</sup> For purposes of discussing Mimura, the Applicant refers to U.S. Patent Application Publication No. 2004/0097079, which corresponds to the publication, in Japanese, of Mimura upon which the Examiner relies to

SIDDHARTHA ET AL. - 10/821,201  
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For example, the cited portions of Mimura make no mention or suggestion of a controller configured to: introduce said reactive process into said processing chamber, and introduce said Noble gas into said processing space such that, during etching, a flow rate of said HBr is replaced with a flow rate of said Noble gas by an amount up to and including 80%.

Accordingly, Applicant submits that the cited portions of Mimura fail to disclose, teach, or suggest, each and every feature of claim 9. Claims 10-14 depend respectively from claim 9, and are, therefore, patentable for at least the same reasons provided above related to claim 9, and for the additional features recited therein. Claim 16 has been canceled, and thus, its rejection is moot. Thus, Applicant respectfully requests that the rejection of claims 9-14 under 35 U.S.C. §102(b) over Mimura should be withdrawn and the claims be allowed.

### III REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mimura. Applicant traverses this rejection for at least the following reasons.

As discussed above, the cited portions of Mimura fail to disclose, teach, or suggest each and every feature of claim 9.

Claim 12 depends respectively from claim 9, and is, therefore, patentable for at least the same reasons provided above related to claim 9, and for the additional features recited therein. Thus, Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. §103(a) over Mimura should be withdrawn and the claim be allowed.

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reject the claims. Accordingly, where reference is made to Mimura the reference is to the U S Publication of the corresponding U S. Patent Application.

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IV. CONCLUSION

All rejections have been addressed. It is respectfully submitted that the present application is in a condition for allowance, and a notice to that effect is earnestly solicited. Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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